Date of Arrest: 08/24

# **United States District Court**

## DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. 17-1646 MJ
Vs.  Dagoberto SARMIENTOS-Lugos AKA: Dagoberto SARMIENTOS-Lugo 200608726 YOB: 1985 Citizen of: Mexico Defendant	)	COMPLAINT FOR VIOLATION OF  Title 8, United States Code, Section 1326(a) Re- Entry After Deport

The undersigned complainant being duly sworn states:

### COUNT 1

That on or about August 24, 2017, Defendant Dagoberto SARMIENTOS-Lugos, an alien, was found in the United States at or near Kingman, Arizona within the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States to Mexico through the port of Nogales, Arizona on or about May 12, 2010. The Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326(a) (Felony).

And the complainant further states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

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Sworn to before me and subscribed in my presence,

Signature of Complainant

Brian Ramos

BORDER PATROL AGENT

August 25, 2017

at

Yuma, Arizona City and State

Date

James F Metcalf, United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

#### UNITED STATES OF AMERICA,

Vs.

Dagoberto SARMIENTOS-Lugos

AKA: Dagoberto SARMIENTOS-Lugo

200608726

#### STATEMENT OF FACTUAL BASIS

The complainant states that this complaint is based upon the statements of the apprehending officers, that the Defendant was found and arrested on or about August 24, 2017, near Kingman, Arizona. Questioning of the Defendant by agents revealed that the Defendant is a citizen of Mexico, and was not in possession of valid documents allowing him to enter or remain in the United States.

By questioning the Defendant and through record checks, agents determined the Defendant was first ordered removed at or near Tucson, Arizona on or about May 11, 2010. The Defendant was most recently removed on or about May 12, 2010, through the port of Nogales, Arizona.

Agents determined that on or about January 20, 2017, the Defendant re-entered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the Defendant for admission into the United States.

Signature of Complainant

Sworn to before me and subscribed in my presence,

August 25, 2017

Date

Signature of Judicial Officer